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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,174	03/15/2001	Craig McCoy	10004231-1	7078

7590

04/06/2006

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EXAMINER

KENDALL, CHUCK O

ART UNIT PAPER NUMBER

2192

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/810,174

Applicant(s)

MCCOY ET AL.

Examiner

Chuck O. Kendall

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03/15/01 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/5/01, 10/14/02</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to Applicant's amendment filed 10/27/05
2. Claims 1 – 29 have been amended and are pending.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1, 2, 5 – 8, 10 – 12, 14, 15, 17 – 24 & 26 – 29 rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al. USPN 6,067,582.

Regarding claim 1, Smith anticipates a method of installing components of a software product on a first network server device coupled to a network the components of the software product providing the first network server device the capability to provide a first service to a plurality of server-assisted network devices coupled to the network, the method comprising:

automatically detecting with the first network server device a first set of server-assisted network devices coupled to the network that are eligible to use the first service (3:20 – 25, see confirms acceptance and verifying for eligible);

automatically transmitting device information based on the detected server-assisted network devices to a second network server device (3:23 – 25, see identification information);

receiving license information from the second network server device based on the transmitted device information (3:20 – 23);

automatically determining a number licenses that are needed and associated costs of the licenses (9:42 – 45, see monitoring number of licenses);

automatically purchasing at least a portion of the licenses if an administrator decides that the portion of the licenses are desired (9:23 – 25, and 45 – 50); and automatically installing components of the software product on the first network server device (FIG. 2, 52).

Regarding claim 2, the method of claim 1, and further comprising:
automatically installing components of the software product on each server-assisted network device in the first set (4:52 – 54)

Regarding claim 5, the method of claim 1, and further comprising:
receiving payment information identifying a means of payment for use of the software product (17:15 – 25, see billing information).

Regarding claim 6, the method of claim 5, and further comprising:

automatically transmitting the payment information to the second network server device (7:15 – 17, see billing information is transferred back to server module).

Regarding claim 7, the method of claim 1, storing at least a portion of the received license information on the first network server device (9: 52 – 55).

Regarding claim 8, see rationale as previously discussed above in claim 7, which claims similarly to above in reference to storing licensing information.

Regarding claim 10, the method of claim 1, wherein each server-assisted network device in the first set is one of a personal computer, printer, scanner, and a digital sender device (2:43 – 45, for personal computer, see plurality of attached computer clients).

Regarding claim 11, the method of claim 1, and further comprising: receiving device selection information from a user identifying server-assisted network devices in the first set that are to be provided the first service (7:5 – 15).

Regarding claim 12, the method of claim 11, and further comprising: automatically installing components of the software product on each identified server-assisted network device (7:37 - 40).

Regarding claim 14, which is the product version of claim 1, see rationale as previously discussed above.

Regarding claim 15, which is the product version of claim 2, see rationale as previously discussed above.

Regarding claim 17, which is the computer readable medium version of claim 1, see rationale as previously discussed above.

Regarding claim 18, which is the computer readable medium version of claim 2, see rationale as previously discussed above.

Regarding claim 19, which is the computer readable medium version of claim 3, see rationale as previously discussed above.

Regarding claim 20, which is the computer readable medium version of claim 4, see rationale as previously discussed above.

Regarding claim 21, which is the computer readable medium version of claim 5, see rationale as previously discussed above.

Regarding claim 22, which is the computer readable medium version of claim 6, see rationale as previously discussed above.

Regarding claim 23, which is the computer readable medium version of claim 7, see rationale as previously discussed above.

Regarding claim 24, which is the computer readable medium version of claim 8, see rationale as previously discussed above.

Regarding claim 26, which is the computer readable medium version of claim 10, see rationale as previously discussed above.

Regarding claim 27, which is the computer readable medium version of claim 11, see rationale as previously discussed above.

Regarding claim 28, which is the computer readable medium version of claim 12, see rationale as previously discussed above.

Regarding claim 29, which is the computer readable medium version of claim 13, see rationale as previously discussed above.

5. Claims 9, 16 & 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. USPN 6,067,582 as applied in claim 1, 14, and 17 in view of Barrett et al. USPN 5,647,056.

Regarding claims 9 & 16, Smith disclose all the claimed limitations as applied in claims 1 & 14. Smith does not explicitly disclose automatically installing firmware on each server-assisted network device in the first set to support the first service.

However, Barrett does disclose loading firmware in a similar configuration (FIG.24, S2403), for multiple terminals. Therefore it would have been obvious to one of ordinary skill in the art at the time then invention was made to combine Smith and Barrett because, it would enable firmware to be distributed and installed from a remote location.

Regarding claim 25, which is the computer readable medium version of claim 9, see rationale as previously discussed above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3, is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. USPN 6,067,582 as applied in claim 1, in view of Van Horne et al. USPN 5,987,430.

Regarding claim 3, Smith teaches all the claimed limitations as applied in claim 1 above. Although Smith doesn't disclose displaying an information screen identifying the number of server-assisted network devices in the first set, Smith does disclose communicating identification information for each client (server-assisted-network device) to and from the server. However, shows in a similar configuration and analogous art, being able to determine the IP address of particular client systems and storing the information (10:30 – 11:15, also see FIG. 9, items 643, 645 and 647). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine, Smith and Van Horne because, it would identify the client system to the server when more than one client is accessing at a time or when more than one access port is available for use 10:67 – 11:2).

7. Claims 4 and 13, are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. USPN 6,067,582 as applied in claim 1, in view of Logan et al. USPN 6,493,680 B2.

Regarding claims 4 & 13, Smith discloses all the claimed limitations as applied in claim 1 above. Although, Smith doesn't disclose displaying cost information based on the number of server-assisted network devices in the first set, the cost information

representing the cost to install components of the software product and provide the first service to the server-assisted network devices in the first set, he does teach providing cost information to a client device in a network with multiple client devices. Logan in an analogous art discloses distributing billing information into node groups wherein each customer bills record is put in a group of nodes based upon the node system (3:5 – 15). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Smith and Logan, because being able to assign the clients (server assisted devices) to a group (set) would enable similar billing information to be sent out to nodes of the same group.

Response to Arguments

7. Applicant's arguments with respect to claims 1 – 29 have been considered but are moot in view of the new ground(s) of rejection.

Regarding Applicant's most recent limitations of " automatically determining a number licenses that are needed and associated costs of the licenses", Smith still discloses these limitations see, Smith in 9:42 – 45, shows monitoring number of licenses and also lines 32 – 35, shows purchasing predetermined number of licenses and regarding, " automatically purchasing at least a portion of the licenses if an administrator decides that the portion of the licenses are desired", in 9:23 – 25 and 45 – 50, Smith shows purchasing licenses and additional licenses if required.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Kendall whose telephone number is 571-272-3698. The examiner can normally be reached on 10:00 am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ck.



TUAN DAM
SUPERVISORY PATENT EXAMINER